



WISCONSIN

**DEPARTMENT OF WORKFORCE DEVELOPMENT**

Division of Economic Support  
Bureau of Welfare Initiatives

**TO: Economic Support Supervisors  
Economic Support Lead Workers  
Training Staff  
FSET Administrative and Provider Agencies  
Child Care Coordinators  
W-2 Agencies**

**BWI OPERATIONS MEMO**

**No.: 99-33**

**File: 2810**

**Date: 04/30/99**

**Non W-2 ☐ W-2 ☒ CC ☐**

**PRIORITY: HIGH**

**FROM: Stephen M. Dow  
Program Implementation Team  
Policy Analysis and Program Implementation Section**

**SUBJECT: RESTORATION OF FOOD STAMP BENEFITS TO VETERAN HMONG AND  
HIGHLAND LAOTIAN ALIENS AND THEIR FAMILIES**

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**CROSS REFERENCE:** Food Stamp Handbook, Appendix 4.0.0.

**EFFECTIVE DATE:** Immediately

**PURPOSE**

This Operations Memo provides direction to counties regarding the restoration of Food Stamp (FS) benefits to certain veteran Hmong and Highland Laotian legal aliens and their families.

**BACKGROUND**

Based on an interpretation of certain provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and the Balanced Budget Act of 1997 by the USDA, Food and Nutrition Services, the state advised counties to deny FS benefits to certain qualified aliens, beginning January 1, 1998. This included Hmong and Highland Laotian veterans and their families, unless the individuals were eligible aliens under a provision of PRWORA, other than the military veteran provision.

On August 1, 1998, under the State Option Food Stamp Program, Wisconsin restored FS benefits to legal aliens who had been denied benefits under PRWORA and the Balanced Budget Act of 1997, including the Hmong and Highland Laotian veterans and their families.

Prior to August 1, 1998, a number of Hmong and Highland Laotian veterans or their families filed appeals with the appropriate Circuit Court of the administrative decisions denying their eligibility for FS benefits. Circuit Courts in Dane County and Milwaukee County overturned the administrative decisions and directed the State to restore benefits to the veterans and families.

## ***BENEFIT RESTORATION***

FS benefits can be restored for a maximum period of one year prior to an incorrect denial of benefits. Dane County and Milwaukee County are directed to immediately restore back benefits for the months between the initial denial of benefits and the restoration of benefits on August 1, 1998, to the individuals and families whose eligibility was restored by the Circuit Courts.

For the months prior to August 1, 1998, a Hmong or Highland Laotian veteran is any individual who is lawfully admitted to the United States for permanent residence, and who fought on behalf of the United States during the Vietnam Era (August 5, 1964 through May 7, 1975). The spouses, unremarried surviving spouses, and dependent children of these veterans are also eligible if they meet other eligibility criteria. Use any available information to determine military service, including a statement of the applicant.

In any other cases involving this issue, which have fair hearings or appeals pending, counties are directed to restore benefits from the date of the denial of FS benefits to August 1, 1998.

When requested by the FS applicant or participant, counties are directed to restore benefits to any members of an alien FS group who were denied FS benefits because of alien status, but would have been eligible due to their designation as a Hmong or Highland Laotian veteran or family member of such a veteran. Restore the benefits whether or not the denial was appealed.

If the FS household continued to receive benefits during the retroactive period because of eligibility of other household members, calculate the correct benefit amount including the restored members of the household and issue supplemental benefits for the difference. If inclusion of the veteran member(s) would result in a reduced benefit level from the amount originally provided, do not recalculate the benefit and establish an overpayment.

If the county is aware of the existence of Hmong or Highland Laotian individuals or families that were denied FS benefits because of an ineligible alien determination, the county should notify the individuals or family that they may request a re-determination of eligibility for the months between their denial of benefits and August 1, 1998. Restore benefits to those groups if eligible after the re-determination.

If the county established an overpayment during that time period because of an ineligible alien determination for a Hmong or Highland Laotian individual or family, and began recouping the overpayment, restore the benefits that have been recouped and cancel the overpayment.

If an individual or family did not apply for FS benefits between September 1997, and August 1, 1998, and therefore was not improperly denied FS benefits, do not restore FS benefits to that individual or family.

## ***CONTACTS***

For questions please contact the BWI Call Center at 608-261-6317.